

Remarks

Applicant appreciates the careful examination given to the Application as reflected in the Office Action mailed September 15, 2009. Reconsideration and favorable action in the Application is respectfully requested.

Claims 1-146 are pending in the Application.

Claims 124-140 stand rejected.

Claims 1-123, 137 and 141-146 have been canceled.

Claims 124, 125, 127-129, 132, 133, 135, 136 and 138 - 140 have been amended.

§101 Rejection of Claims

The Office Action rejects claims 124-140 under 35 U.S.C. § 101 as directed to a process that is not (1) tied to another statutory category or (2) transformative of the underlying subject matter (such as an article or material) to a different state or thing.

Claim 124 has been amended to include a cursor control device and a cursor and the step of moving the cursor according to the enhanced tracking value. Support for the amendment is found in the Specification at paragraphs 0002, 0146 and Figure 33. Additionally, the measured tracking value and the historical tracking value are modified according to the tracking confidence value and the resultant enhanced tracking value is used to provide motion to the cursor. Thus, the claimed invention transforms movement of the cursor control device into movement of the cursor. Claim 124 now recites statutory subject matter.

As claims 125-140 depend from claim 124, they also recite statutory subject matter.

§102(e) Rejection of Claims

The Office Action rejects claims 124-127 and 130-140 under 35 U.S.C. § 102(e) as being anticipated by *Norskog* (U.S. Patent No. 6,795,056).

Anticipation requires that a single piece of prior art disclose each element of the claimed invention. *Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1458 (Fed. Cir. 1983); *see, In re Paulson*, 30 F.3d 1475, 31 U.S.P.Q.2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 U.S.P.Q.2d 1655 (Fed. Cir. 1990). For anticipation, there must be *no difference* between the claimed invention and the referenced disclosure. *Scripps Clinic and Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 U.S.P.Q.2d 1001 (Fed. Cir. 1991). The absence from the reference of any claimed element negates anticipation. *Closter Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565, 230 U.S.P.Q. 81 (Fed. Cir. 1986). If a *prima facie* case of anticipation is not established, then without more, Applicant is entitled to a patent. *In re Oetiker*, 977 F.2d 1443 (Fed. Cir. 1992).

Claim 124 has been amended to more specifically distinguish the method steps of the invention over the disclosure of *Norskog*. Support for the amendment is found in the Specification at paragraphs 0146, 0150 and Figure 32.

Norskog discloses determining and using a simple change in movement of the cursor between a first position and a second position. *Norskog* refers to this difference as “ ΔX ”. See *Norskog* column 8, lines 32-35. Claim 124 of Applicant requires calculating a tracking confidence value representative of a ratio between the measured tracking value and the projected tracking value and then generating an enhanced tracking value by summing the tracking confidence value (multiplied by the measured tracking value) and the inverse of the tracking confidence value (multiplied by the projected tracking value). This calculation is complicated and provides far greater detail than the simple “ ΔX ” value of *Norskog*. *Norskog* simply does not disclose or suggest calculating a tracking confidence value and generating an enhanced value as

disclosed and claimed by Applicant. Furthermore, *Norskog* simply does not apply a tracking confidence value to weight different elements of the calculation.

With respect to claim 125, claim 125 depends from claim 124 and therefore is patentable over the art. Claim 125 has been amended to recite the step of generating an enhanced tracking value which includes determining a pair of enhanced tracking values and moving the cursor includes moving the cursor according to the pair of enhanced tracking values. Support for this amendment is found in the Specification at paragraphs 0002 and 0035. Furthermore, claim 125 is independently patentable because it requires generating a pair of projected tracking values and a pair of enhanced tracking values. *Norskog* does not disclose or suggest a pair of enhanced tracking values generated by a summation of a tracking confidence value multiplied by the measured tracking value and the inverse of the tracking confidence value multiplied by the projected tracking value. Furthermore, *Norskog* does not disclose or suggest moving the cursor based on a pair of enhanced tracking values.

With respect to claim 126, claim 126 depends from claim 124 and therefore is patentable over the art. Moreover, claim 26 is independently patentable because it requires that the pair of enhanced tracking values be representative of motion in a respective one of a pair of orthogonal directions. Since *Norskog* does not disclose or suggest a pair of enhanced tracking values, it does not disclose or suggest limiting these enhanced tracking values to one of a pair of orthogonal directions.

With respect to claim 127, claim 127 depends from claim 124 and is therefore patentable over the art. Claim 127 has been amended to include the step of calculating a tracking confidence value. Support for this amendment is found in the specification at paragraphs 0146 and 0150. Furthermore, claim 127 is independently patentable over *Norskog* because *Norskog*

does not disclose calculating a tracking confidence value involving an illumination value representative of an intensity of light sensed by the sensor. *Norskog* simply does not disclose a tracking confidence value determined as claimed in claim 124 and 127. Therefore, claim 127 is independently patentable over the art of record.

With respect to claim 130, claim 130 depends from claim 124 and therefore is patentable over the art.

With respect to claim 131, claim 131 depends ultimately from claim 124 and therefore is patentable over the art.

Claim 132 has been amended to depend from claim 127. As claim 132 depends ultimately from claim 124, claim 132 is patentable over *Norskog*.

Claim 133 depends from claim 124 and therefore is patentable over the art. Claim 133 has been amended to further distinguish over the art. Support for the amendment is found in the Specification at paragraph 0150. Furthermore, claim 133 is independently patentable because it further specifies the step of generating an enhanced tracking value according to the equation $dx = (Mdx) * \alpha + (1.0 - \alpha) * Pdx$. *Norskog* neither suggests nor discloses the use of a tracking confidence value or a projected tracking value to arrive at an enhanced tracking value as dictated by this equation. Therefore claim 133 is independently patentable over the art.

With respect to claim 134, claim 134 depends from claim 124 and therefore is patentable over the art.

With respect to claim 135, claim 135 depends ultimately on claim 124 and therefore is patentable over the art. Claim 135 has been amended to include the step of calculating a tracking confidence value and generating an enhanced tracking value. Support for the amendment can be

in the Specification at 0146 and 0150. Claim 135 is independently patentable over the art of record because the art of record does not disclose calculating a tracking confidence value or generating an enhanced tracking confidence value or repeating those steps as required by the claim.

With respect to claim 136, claim 136 has been amended to include the structure of the cursor control device including a light source. Support for the amendment can be found in the Specification at paragraph 0109 and Figure 20. Because claim 136 depends ultimately from claim 124 it is patentable over the art.

With respect to claim 137, claim 137 has been amended to include the structure of the cursor control device including a light source. Support for the amendment can be found in the Specification at paragraph 0109 and Figure 20. Because claim 137 depends ultimately from claim 124, it is patentable over the art.

With respect to claim 138, claim 138 has been amended to include the structure of the cursor control device including a light source. Support for the amendment can be found in the Specification at paragraph 0109 and Figure 20. Because claim 138 depends ultimately from claim 124 it is patentable over the art.

With respect to claim 139, claim 139 has been amended to include the structure of the cursor control device including a light source. Support for the amendment can be found in the Specification at paragraph 0109 and Figure 20. Because claim 139 depends ultimately from claim 124 it is patentable over the art.

With respect to claim 140, claim 140 depends ultimately from claim 124 and therefore is patentable over the art of record.

Conclusion

Applicant has diligently read and studied the Office Action and the references cited. This response raises no new issues requiring further search. Claims 1-146 are pending in the Application. Claims 1-123, 137 and 141-146 have been canceled. Claims 124-140 stand rejected. Claims 124, 125, 127-129, 132, 133, 135, 136 and 138 - 140 have been amended.

Applicant has amended claim 124 to recite statutory subject matter. Thus, claims 125-140 that depend from claim 124 are directed to statutory subject matter as well.

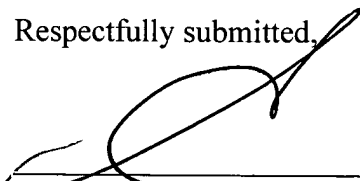
Applicant has also amended claims 124, 125, 127-129, 132, 133 and 139 to more clearly distinguish the claims from the prior art.

For the reasons set forth above, it is believed that claims 124-136 and 138-140 are now in condition for allowance.

Should it facilitate allowance of the Application, the Office is invited to telephone the undersigned agent of record.

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Respectfully submitted,



George R. Schultz
Reg. No. 35,674
SCHULTZ & ASSOCIATES, P.C.
One Lincoln Centre
5400 LBJ Freeway, Suite 1200
Dallas, Texas 75240
(214) 210-5940 telephone
(214) 210-5941 facsimile